

REMARKS/ARGUMENTS

Claims 1 through 3, 5, 7, 13, 14, 16, 18, 19, 22, and 23 through 25 remain pending in this application. Claims 1, 16, 18 and 22 have been amended in lieu of the Examiner's remarks on page 4 of the present Action. Support for the amendments to claims 1, 16, 18, and 22 can be found at least on page 10 of the present specification.

Claims 1 through 3, 5, 7, 13, 14, 16, 18, 19, and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bletziger, U.S. Patent No. 2,761,449 (hereinafter "Bletziger") in view of Kaczmarzyk et al., U.S. Patent No. 4,300,561 (hereinafter "Kaczmarzyk").

Claim 1 recites a dry expanding tampon pledget that includes a plurality of non-absorbent fibers and a plurality of absorbent fibers. The plurality of absorbent fibers is a combination of rayon fiber and superabsorbent fiber. A ratio of rayon fiber to superabsorbent fiber is about 70/30. The plurality of non-absorbent fibers and the plurality of absorbent fibers are blended together to form the dry expanding tampon pledget. Immediately after complete ejection from an applicator, and prior to contact with menses, the dry expanding tampon pledget has a free diameter at a widest point from about 25% to about 300% larger than a diameter at said widest point of the dry expanding tampon pledget in the applicator.

Claim 16 recites a dry expanding tampon pledget that includes a plurality of non-absorbent fibers and a plurality of absorbent fibers. The plurality of absorbent fibers is a combination of rayon fiber and superabsorbent fiber. The plurality of non-absorbent fibers and the plurality of absorbent fibers are blended together to form the dry expanding tampon pledget. The percent ratio of the plurality of non-absorbent fibers to the plurality of absorbent fibers is about 25/75 to about 65/35. Immediately after complete ejection from an applicator, and prior to contact with menses, the dry expanding tampon pledget has a free diameter at a widest point from about 25% to about 300% larger than a diameter at said widest point of the dry expanding tampon pledget in the applicator.

Claim 18 recites a dry expanding tampon pledget that includes a plurality of non-absorbent fibers. The plurality of non-absorbent fibers are selected from the group consisting of polyester, polypropylene, polyethylene, aramid, nylon, acrylic, bicomponent, and mixtures thereof. The dry expanding tampon pledget also includes a plurality of absorbent fibers. The plurality of absorbent fibers is a combination of rayon fiber and superabsorbent fiber present in a percent ratio of rayon fiber to superabsorbent fiber of about 70/30. The plurality of non-absorbent fibers and the plurality of absorbent fibers are blended together to form the dry expanding tampon pledget. Immediately after complete ejection from an applicator, and prior to contact with menses, the dry expanding tampon pledget has a free diameter at a widest point from about 25% to about 300% larger than a diameter at said widest point of the dry expanding tampon pledget in the applicator.

Claim 22 provides a dry expanding tampon pledget that includes a plurality of non-absorbent fibers. The plurality of non-absorbent fibers are selected from the group consisting of polyester, polypropylene, polyethylene, aramid, nylon, acrylic, bicomponent, and any combinations thereof. The dry expanding tampon pledget also includes a plurality of absorbent fibers made of a combination of rayon fibers and superabsorbent fibers. The plurality of non-absorbent fibers and the plurality of absorbent fibers are blended together to form the dry expanding tampon pledget. Immediately after complete ejection from an applicator, and prior to contact with menses, the dry expanding tampon pledget has a free diameter at a widest point from about 25% to about 300% larger than a diameter at said widest point of the dry expanding tampon pledget in the applicator.

Bletzinger provides an absorbent body of fibrous material having an initial rectangular shape and jacket of highly pervious material covering the fibrous material. The absorbent body is compressed to a reduced size. The absorbent body of Bletzinger reexpands upon wetting.

Kaczmarzyk provides a tampon having a superabsorbent material included as part of its absorbent system and a moisture permeable outer wrapping. The outer wrap has an emollient covering a substantial portion to aid in withdrawal of the tampon without substantially affecting absorption of menstrual fluid.

The Action correctly notes that Bletzinger fails to disclose or suggest a dry expanding tampon pledget with a plurality of absorbent fibers that is a combination of rayon and superabsorbent fibers in the claimed ratios, as recited in claims 1, 16, 18, and 22. However, Applicants respectfully submit that Bletzinger also fails to disclose or suggest a dry expanding tampon pledget that immediately after complete ejection from an applicator, and prior to contact with menses, has a free diameter at a widest point from about 25% to about 300% larger than a diameter of the widest point in the applicator, as recited by claims 1, 16, 18, and 22.

Bletzinger provides that “[w]etting serves to release interlocking connections between the absorbent fibers in the compressed state of the tampon, partly by softening the fibers sufficiently to permit the resilient fiber content of the body to open up and thereby spread the fibers of the body so that the latter will be reexpanded thereby increasing the size of the interstices between the body fibers and the absorbing capacity of the body.” (col. 4, lines 2-9). Bletzinger additionally provides that the rayon fibers are absorbent but nevertheless exhibit sufficient resiliency when wetted to provide the desired expansive force in the tampon body. (col. 7, lines 14-18). Bletzinger further provides “[c]ompressed tampons according to this invention and embodying fiber components as described, exhibit the very desirable characteristic of being self-sustaining or very stable in compressed condition but capable of very quick release and rapid expansion when wetted.” (col. 7, lines 39-44). While discussing the fibers of the Bletzinger tampon, the Bletzinger disclosure provides that “the important thing” is that “they be selected for their resilient capacities or their fluid absorbing capacities, and combined in any suitable manner into a unitary or integrated body which, when compressed, will be stable in its compressed, normally dry condition, but expansible under the influence of the resilient fiber component when the locking effect incident to the compression is released by wetting.” (col. 8, lines 24-31).

Clearly, the Bletzinger tampon is stable in its compressed, dry condition and only expands upon wetting. This is in contrast, to the dry expanding tampon pledget recited in claims 1, 16, 18, and 22 that immediately after complete ejection from the applicator, and prior to contact with menses, has a free diameter at a widest point from about 25% to

about 300% larger than a diameter at the widest point of the dry expanding tampon pledget in the applicator.

Therefore, Bletzinger merely provides that the expansion of the tampon body occurs within the vaginal cavity. Furthermore, Bletzinger fails to disclose or suggest a dry expanding tampon pledget with a free diameter at a widest point from about 25% to about 300% larger than a diameter of the widest point in the applicator, as recited by claims 1, 16, 18, and 22.

Applicants respectfully submit Kaczmarzyk fails to cure the deficiencies of Bletzinger. Kaczmarzyk also fails to disclose or suggest a dry expanding tampon pledget that immediately after complete ejection from an applicator, and prior to contact with menses, has a free diameter at a widest point from about 25% to about 300% larger than a diameter of the widest point in the applicator, as recited by claims 1, 16, 18, and 22. Kaczmarzyk merely provides that the absorbent core contains superabsorbent particulate material in either fibrous or nonfibrous form. (col. 2, lines 39-40). Kaczmarzyk fails to disclose the claimed tampon expansion or any claimed tampon dimensions.

The Office Action asserts that if the tampon of Bletzinger is modified as taught above, then the resulting combination would provide the claimed free diameter since the claimed invention and the combination of Bletzinger and Kaczmarzyk would result in an identical product. Applicants respectfully disagree. As discussed above, the Bletzinger tampon expands only upon wetting. Also, Bletzinger clearly fails to provide specific dimensions of their tampon subsequent to expansion. Furthermore, as discussed above, Kaczmarzyk fails to disclose tampon expansion or any tampon dimensions. Thus, there is no disclosure or suggestion in either cited patent taken alone or in combination for dry expanding tampon pledget that, immediately after complete ejection from an applicator, and prior to contact with menses, has a free diameter at a widest point from about 25% to about 300% larger than a diameter of the widest point in the applicator, as recited by claims 1, 16, 18, and 22. Therefore, the combination of Bletzinger and Kaczmarzyk does not result in a product as the claimed dry expanding tampon pledget of claims 1, 16, 18, and 22.

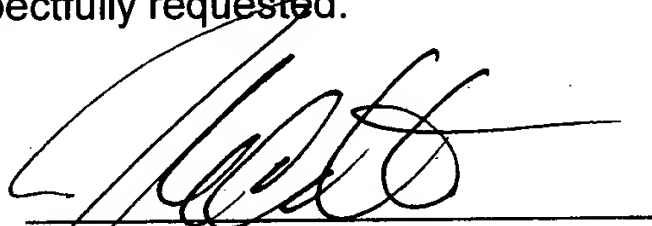
The Office Action asserts that it would have been obvious to one of ordinary skill in the art to modify the tampon of Bletzinger to provide the claimed type and amount of fibers taught by Kaczmarzyk because the claimed type and amount of fibers vastly improve fluid capacity and capillary suction pressure as taught by Kaczmarzyk. Applicants respectfully disagree. As discussed above, the Bletzinger tampon is stable in its compressed, dry condition and only expands upon wetting. Applicants respectfully submit there is no motivation to modify Bletzinger with the claimed type and amount of fibers taught by Kaczmarzyk in an attempt to form a dry expanding pledget. Such a modification to form a dry expanding pledget would be contrary to the intent of the Bletzinger tampon, namely to provide a tampon that is stable in its compressed, dry condition and only expands upon wetting.

Claims 2, 3, 5, 7, 13, 14, and 19 depend from claims 1 and 18, respectively, and for at least the reasons set forth above for claims 1 and 18, thus, are also patentably distinguishable over Bletzinger in view of Kaczmarzyk.

It is respectfully submitted that claims 1 through 3, 5, 7, 13, 14, 16, 18, 19, and 22, are patentably distinguishable over Bletzinger in view of Kaczmarzyk taken alone or in combination. Accordingly, reconsideration and withdrawal of the §103(a) rejection are requested.

In view of the above, reconsideration and withdrawal of the rejections and passage of this application to allowance are respectfully requested.

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